

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

ERIC FITZGERALD,)	CIVIL ACTION NO. 2:22-cv-754
)	
)	
Plaintiff,)	
)	
v.)	
)	
RANIER'S COMPOUNDING)	
LABORATORY,)	
)	
)	
Defendant.)	

COMPLAINT

I. PRELIMINARY STATEMENT

Plaintiff, Eric Fitzgerald, seeks lost earnings, compensatory and punitive damages, costs, and attorney's fees because Defendant, Ranier's Compounding Laboratory, terminated his contract because of his race, in violation of 42 U.S.C. § 1981.

II. JURISDICTION

1. This Court has jurisdiction of this matter by virtue of 28 U.S.C. § 1331, in that this is a civil action wherein the matter in controversy arises under the laws of the United States.

2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), in that this is a civil action in which jurisdiction is not founded solely on diversity of citizenship, and the acts constituting a substantial part of the events and omissions giving rise to the claims occurred in the Western District of Pennsylvania.

III. PARTIES

3. Plaintiff, Eric Fitzgerald, is an adult individual who resides at 328 Church Avenue, Pittsburgh, PA 15210. At the time of the incidents complained of in this lawsuit and

presently, he was and is a citizen of the Commonwealth of Pennsylvania and the United States of America.

4. Defendant, Ranier's Compounding Laboratory, is a pharmacy located at 1107 Lowry Avenue, Suite A, Jeannette, PA 15644.

IV. STATEMENT OF CLAIM

6. In December 2021, Mr. Fitzgerald began working for Defendant as a delivery driver.

7. Mr. Fitzgerald is African American.

8. Several months into Mr. Fitzgerald's tenure with Defendant, it promoted Leanne (last name unknown) to become his supervisor.

9. Shortly after becoming Mr. Fitzgerald's supervisor, Leanne began reducing his shifts and increasing his driving distances.

10. In addition to these actions, Leanne frequently made racist comments in the workplace.

11. Leanne instructed Mr. Fitzgerald that a certain bathroom was not for "colored individuals," and made comments that "slavery was a choice."

12. Leanne claimed that Francis H. Ranier, Defendant's owner, is "not too fond of coloreds."

13. She also frequently called another African American driver by Mr. Fitzgerald's name, implying that the black drivers were indistinguishable.

14. Additionally, Mr. Fitzgerald overheard her use the word "nigglet" in a conversation. When he questioned that remark, Leanne directed him to sit in his car.

15. On February 4, 2022, Mr. Fitzgerald had a series of calls with Leanne to discuss further reductions in his shifts.

16. During one of those phone calls, Leanne derogatorily referred to African Americans as "you people."

17. In the final call, as Mr. Fitzgerald continued to express his frustration that Leanne was arbitrarily reducing his shifts, she responded by calling Mr. Fitzgerald a "nigger" and told him that Defendant was terminating his employment contract.

V. CLAIMS FOR RELIEF

COUNT I – VIOLATION OF § 1981

18. Plaintiff incorporates by reference the averments contained in all preceding paragraphs as if fully set forth herein.

19. Defendant has intentionally and willfully interfered with Plaintiff's right to make and enforce contracts because of his race, in violation of § 1981.

20. Plaintiff has been directly harmed as a result of Defendant's violations as is fully set forth above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Honorable Court will:

- (a) Assume jurisdiction herein;
- (b) Declare Defendant's conduct to be unlawful and an intentional violation of Plaintiff's rights;
- (c) Award Plaintiff lost earnings (past, present, and future) and damages associated with the increased tax burden of any award;
- (d) Award Plaintiff compensatory and punitive damages;
- (e) Award Plaintiff pre- and post-judgment interest;
- (f) Award Plaintiff costs and attorney's fees; and
- (g) Grant such other relief as the Court deems just and appropriate.

JURY TRIAL DEMANDED

Respectfully Submitted,

/s/ Nicholas W. Kennedy

Nicholas W. Kennedy
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